

**Department of Public Safety  
Division of the State Fire Marshal**

Records Retention Schedule      Approved November 2010 & Amended September 2013

**FM                      State Fire Marshal**

**FM1                      Plan Review Applications**

Prior to receiving a building permit, a builder must submit plans for review by the Fire Marshal to ensure compliance with all applicable fire codes. The plan review process is designed to maximize safety for a building's occupants and first responders. Once approved, plans are retained for future review in the event of problems arising. Eventually, they are replaced by inspection reports. The applications may include, but are not limited to, applications forms, fee schedules, review letters, and copies of plans.

*Retention:*              Retain ten (10) years after certificate of occupancy has been issued.

**FM2                      Explosives Permits**

Anyone who manufactures, deals, possesses, or uses explosives in the state of Rhode Island must obtain a permit from the Fire Marshal as per RIGL § 23-28.28. These permits are issued only to people who are properly licensed and who have proven themselves capable of performing these functions. The issuance of these permits facilitates the tracking of the sale and use of explosives in the state of Rhode Island. They expire at the end of the calendar year in which they are issued as per RIGL § 23-28.28-11. The records in this series may include, but are not limited to, copies of the permits, application forms, copies of bonds, certificates of competency, and associated correspondence.

*Retention:*              Retain ten (10) years.

**FM3                      Fire Works and Pyrotechnics Licenses, Applications, and Permits**

Anyone who stores, handles, transports, and/or displays fireworks and pyrotechnics in the state of Rhode Island must have a permit from the local fire authority that is based on forms provided by the State Fire Marshal as per RIGL § 23-28.11-3. No permits may be issued until applicants' certificates of competency and insurance coverage are verified as being current. Applicants must obtain the certificates of competency from the State Fire Marshal. Certificates of competency, once issued, are valid for one year as per RIGL § 23-28.11-5. Applicants must also submit proof of sufficient financial responsibility for potential damage as per RIGL § 23-28.11-7. Any nonresident of Rhode Island who wishes to obtain such a permit must appoint a member of the Rhode Island Bar Association to act as his or her attorney to handle any and all litigation involving the nonresident as per RIGL § 23-28.11-9. These records document the issuance of these permits. They may include, but are not limited to, applications, copies of bonds, and copies of the certificates of competency. The applications require extensive personal and background information.

*Retention:*              Retain ten (10) years.

**FM4                      Inspection Reports**

The State Fire Marshal conducts periodic inspections of buildings for state fire code violations. Some of the inspections are dictated by statute and others occur upon request or in response to a complaint. The frequency of the inspections depends upon occupancy and the purpose each building serves. For example, buildings where combustible materials are

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known to accumulate can be inspected at any reasonable hour (with the exception of dwelling houses) as per RIGL § 23-28.5-1. Other locations subjected to specific laws include, but are not limited to, places of assembly, schools, boarding homes, and childcare centers. The inspection process is designed to confirm that occupants and first responders will be safe when the building is occupied. The records generated by these inspections may include, but are not limited to, copies of the inspection reports, building descriptions, records of the type of occupancy of the building, and information on pertinent code sites addressing any violations.

*Retention:* Retain each report for a minimum of ten (10) years and ensure that the five (5) most recent reports are retained, even if some of them exceed five years. When a new code cycle (based on revised codes issued by the National Fire Protection Association) is put in place, the last report of the previous code cycle must be retained ten (10) years.

#### **FM5 Investigations Reports**

The State Fire Marshal receives reports of all fires and explosions occurring in the state of Rhode Island as per RIGL § 23-28.2-10. In each case, the Fire Marshal determines whether or not an investigation is warranted and if so, conducts the investigation. In the course of investigations, the Fire Marshal has the authority to summon witnesses as per RIGL § 23-28.2-12. If the Fire Marshal determines that the evidence gathered during an investigation is sufficient to file criminal charges against anyone, s/he will report that recommendation to the Attorney General. In such cases, evidence is forwarded to the state crime lab and in all cases, a report documenting the cause of the fire or explosion is produced. Courts utilize the reports in cases of prosecution and insurance companies use them to assist claims. The courts may also use them in the event of civil cases that arise from fires or explosions. RIGL § 23-28.2-16 mandates that the Fire Marshal maintain records of all fires and explosions investigated. The records may include, but are not limited to, the various items contained in the reports. The reports may include, but are not limited to, building descriptions, witness statements, lists of evidence, and narratives of scene investigations.

#### **a) 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree arson investigations (Capital Crimes)**

*Retention:* Retain one hundred (100) years.

#### **b) 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> degree arson investigations**

*Retention:* Retain thirty (30) years from the date of the opening of the case or ten (10) years after the sentences of those convicted expire, whichever is later.

#### **c) Fatal fire investigations (accidental)**

*Retention:* Retain one hundred (100) years.

#### **d) Investigations of accidental fires causing serious injuries**

*Retention:* Retain ten (10) years.

#### **e) Landmark cases**

*Retention:* Permanent.

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**FM6                      Certificates of Records Destruction**

Certification of Records Destructions forms (PRA 003) signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable records retention schedules. RIGL §38-1-10, §38-3-6(j), and §43-8.1.10

*Retention:*              Permanent.

**FM7                      Variance Decisions      (series added 9/2013)**

The Fire Safety Code Board of Appeal and Review has the responsibility for deciding whether or not appeals for variances from certain aspects of the State Fire Code are granted or not as per RIGL §23-28.3-5. The Board has the authority to render decisions on appeals for variances and holds hearings to determine whether or not to grant them. The Fire Safety Code Board of Appeal and Review provides a copy of each decision rendered to the State Fire Marshal. Per § 23-28.3-5 (b) A properly indexed record of all variations made shall be kept in the office of the state fire marshal and shall be open to public inspection.

*Retention:*              Permanent.